

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 22, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS TORRES,

Defendant.

CASE NO. 4:17-CR-06015-EFS-1

**ORDER DENYING WITH LEAVE
TO RENEW DEFENDANT'S
MOTION FOR COMPASSIONATE
RELEASE**

On May 20, 2020, Defendant Jesus Torres filed a letter, which this Court construes as a Motion for Compassionate Release¹ due to COVID-19 and the related health concerns given that he is in Bureau of Prisons' custody at a BOP facility with several positive COVID-19 inmates and staff, along with two inmate deaths due to COVID-19.² Defendant did not identify what legal authority he relies on, but the Court anticipates he seeks compassionate relief pursuant to 18 U.S.C. § 3582(c)(1). Before a prisoner may seek court relief under § 3582(c)(1), the prisoner must exhaust his administrative rights through the Bureau of Prisons. In his pro se motion, Defendant did not advise if he exhausted his administrative remedies.

¹ ECF No. 237.

² See <https://www.bop.gov/coronavirus/> (last visited May 21, 2020).

1 Accordingly, the Court denies Defendant's motion with leave to renew after his
2 administrative remedies have been exhausted or waived.

3 If Defendant desires to file a new motion with this Court for compassionate
4 release, Defendant is encouraged to seek the assistance of his previously appointed
5 former counsel, Nick Veith (208-664-9494). In addition, Defendant is encouraged to
6 provide the Court with the following information and *supporting documentation* if
7 he files a subsequent motion for compassionate release: 1) Defendant's
8 administrative request for sentence reduction submitted to the warden of the
9 institution in which Defendant is housed and the action taken by the warden on
10 such request; 2) Defendant's medical conditions and related medical needs and
11 medications; 3) his projected release date, 4) Defendant's proposed release plans
12 (Defendant is encouraged to discuss and develop his proposed release plan with his
13 case manager if granted home confinement or a furlough); and 5) any other
14 information to aid the Court in assessing whether compassionate relief is
15 appropriate.

16 Accordingly, **IT IS HEREBY ORDERED:** Defendant's construed Motion for
17 Compassionate Release, **ECF No. 237**, is **DENIED with leave to renew**.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
2 provide copies to Defendant, all counsel (including Nick Vieth), and the U.S.
3 Probation Office.

4 **DATED** this 22nd day of May 2020.

5
6 s/Edward F. Shea
7 EDWARD F. SHEA
8 Senior United States District Judge
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